

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

GARY S LOGSDON,

Plaintiff,

v.

Case No: 5:20-cv-335-Oc-PGBPRL

**KENNETH H DAVIS and SHERRY R
MANSFIELD,**

Defendants.

ORDER

At issue here is a lien claimed by Defendants in the amount of \$59,351.00 for the care and maintenance of three horses owned by Plaintiff. (Doc. 12-9). Florida Statute § 713.76 provides a mechanism by which a party may release his property from a lien by posting a bond in the court registry for the face amount of the lien. The statute provides that “[a]ny lienor who, upon the posting of the bond, fails to release or return the property to the lienor pursuant to this section is guilty of a misdemeanor of the second degree. . .” Fla. Stat. § 713.76(3). On July 31, 2020, Plaintiff deposited into the court registry \$60,888.20, which represents the face amount of the lien at issue (\$59,351.00) plus the federal post-judgment rate of 2.59%. (Doc. 11). On August 7, 2020, the Court issued an Order advising that the bond had been deposited and directing Defendants to release the horses. (Doc. 16).

Plaintiff now has filed a motion for order of contempt and for sanctions because Defendants have refused to release the subject horses. (Doc. 20). However, Defendants were just served with a copy of the First Amended Complaint and the Court order directing the release of lien on August 11, 2020. They have not yet made an appearance in this case, nor has their time to do so passed.

Thus, the Court will defer ruling on the matter of sanctions until Defendants have appeared and have had an opportunity to respond to Plaintiff's claims (or the time to do has passed). Plaintiff's request for a preliminary injunction is due to be denied because it fails to comply with the requirements set forth in the Local Rules 4.05 and 4.06 and Federal Rule of Civil Procedure 65.

DONE and **ORDERED** in Ocala, Florida on August 19, 2020.



PHILIP R. LAMMENS
United States Magistrate Judge

Copies furnished to:

Counsel of Record
Unrepresented Parties